

2 **SB 5340** - H COMM AMD **ADOPTED 4-8-97**
3 By Committee on Education

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to
8 read as follows:

9 (1) The superintendent of public instruction shall establish and
10 may amend from time to time minimum criteria for the evaluation of the
11 professional performance capabilities and development of certificated
12 classroom teachers and certificated support personnel. For classroom
13 teachers the criteria shall be developed in the following categories:
14 Instructional skill; classroom management, professional preparation and
15 scholarship; effort toward improvement when needed; the handling of
16 student discipline and attendant problems; and interest in teaching
17 pupils and knowledge of subject matter.

18 Every board of directors shall, in accordance with procedure
19 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,
20 establish evaluative criteria and procedures for all certificated
21 classroom teachers and certificated support personnel. The evaluative
22 criteria must contain as a minimum the criteria established by the
23 superintendent of public instruction pursuant to this section and must
24 be prepared within six months following adoption of the superintendent
25 of public instruction's minimum criteria. The district must certify to
26 the superintendent of public instruction that evaluative criteria have
27 been so prepared by the district.

28 Except as provided in subsection (5) of this section, it shall be
29 the responsibility of a principal or his or her designee to evaluate
30 all certificated personnel in his or her school. During each school
31 year all classroom teachers and certificated support personnel,
32 hereinafter referred to as "employees" in this section, shall be
33 observed for the purposes of evaluation at least twice in the
34 performance of their assigned duties. Total observation time for each
35 employee for each school year shall be not less than sixty minutes.
36 Following each observation, or series of observations, the principal or

1 other evaluator shall promptly document the results of the observation
2 in writing, and shall provide the employee with a copy thereof within
3 three days after such report is prepared. New employees shall be
4 observed at least once for a total observation time of thirty minutes
5 during the first ninety calendar days of their employment period.

6 ~~((Every))~~ At any time after October 15th, an employee whose work is
7 judged unsatisfactory based on district evaluation criteria shall be
8 notified in writing of ~~((stated))~~ the specific areas of deficiencies
9 along with a ~~((suggested specific and))~~ reasonable program for
10 improvement ~~((on or before February 1st of each year))~~. During the
11 period of probation, the employee may not be transferred from the
12 supervision of the original evaluator. Improvement of performance or
13 probable cause for nonrenewal must occur and be documented by the
14 original evaluator before any consideration of a request for transfer
15 or reassignment as contemplated by either the individual or the school
16 district. A probationary period of sixty school days shall be
17 established ~~((beginning on or before February 1st and ending no later~~
18 than May 1st)). The establishment of a probationary period does not
19 adversely affect the contract status of an employee within the meaning
20 of RCW 28A.405.300. The purpose of the probationary period is to give
21 the employee opportunity to demonstrate improvements in his or her
22 areas of deficiency. The establishment of the probationary period and
23 the giving of the notice to the employee of deficiency shall be by the
24 school district superintendent and need not be submitted to the board
25 of directors for approval. During the probationary period the
26 evaluator shall meet with the employee at least twice monthly to
27 supervise and make a written evaluation of the progress, if any, made
28 by the employee. The evaluator may authorize one additional
29 certificated employee to evaluate the probationer and to aid the
30 employee in improving his or her areas of deficiency; such additional
31 certificated employee shall be immune from any civil liability that
32 might otherwise be incurred or imposed with regard to the good faith
33 performance of such evaluation. The probationer may be removed from
34 probation if he or she has demonstrated improvement to the satisfaction
35 of the principal in those areas specifically detailed in his or her
36 initial notice of deficiency and subsequently detailed in his or her
37 improvement program. Lack of necessary improvement ~~((shall be))~~ during
38 the established probationary period, as specifically documented in
39 writing with notification to the probationer and shall constitute

1 grounds for a finding of probable cause under RCW 28A.405.300 or
2 28A.405.210.

3 ~~((The establishment of a probationary period shall not be deemed to
4 adversely affect the contract status of an employee within the meaning
5 of RCW 28A.405.300.))~~

6 Immediately following the completion of a probationary period that
7 does not produce performance changes detailed in the initial notice of
8 deficiencies and improvement program, the employee may be removed from
9 his or her assignment and placed into an alternative assignment for the
10 remainder of the school year. This reassignment may not displace
11 another employee nor may it adversely affect the probationary
12 employee's compensation or benefits for the remainder of the employee's
13 contract year. If such reassignment is not possible, the district may,
14 at its option, place the employee on paid leave for the balance of the
15 contract term.

16 (2) Every board of directors shall establish evaluative criteria
17 and procedures for all superintendents, principals, and other
18 administrators. It shall be the responsibility of the district
19 superintendent or his or her designee to evaluate all administrators.
20 Such evaluation shall be based on the administrative position job
21 description. Such criteria, when applicable, shall include at least
22 the following categories: Knowledge of, experience in, and training in
23 recognizing good professional performance, capabilities and
24 development; school administration and management; school finance;
25 professional preparation and scholarship; effort toward improvement
26 when needed; interest in pupils, employees, patrons and subjects taught
27 in school; leadership; and ability and performance of evaluation of
28 school personnel.

29 (3) Each certificated employee shall have the opportunity for
30 confidential conferences with his or her immediate supervisor on no
31 less than two occasions in each school year. Such confidential
32 conference shall have as its sole purpose the aiding of the
33 administrator in his or her assessment of the employee's professional
34 performance.

35 (4) The failure of any evaluator to evaluate or supervise or cause
36 the evaluation or supervision of certificated employees or
37 administrators in accordance with this section, as now or hereafter
38 amended, when it is his or her specific assigned or delegated
39 responsibility to do so, shall be sufficient cause for the nonrenewal

1 of any such evaluator's contract under RCW 28A.405.210, or the
2 discharge of such evaluator under RCW 28A.405.300.

3 (5) After an employee has four years of satisfactory evaluations
4 under subsection (1) of this section, a school district may use a short
5 form of evaluation, a locally bargained evaluation emphasizing
6 professional growth, an evaluation under subsection (1) of this
7 section, or any combination thereof. The short form of evaluation
8 shall include either a thirty minute observation during the school year
9 with a written summary or a final annual written evaluation based on
10 the criteria in subsection (1) of this section and based on at least
11 two observation periods during the school year totaling at least sixty
12 minutes without a written summary of such observations being prepared.
13 However, the evaluation process set forth in subsection (1) of this
14 section shall be followed at least once every three years unless this
15 time is extended by a local school district under the bargaining
16 process set forth in chapter 41.59 RCW. The employee or evaluator may
17 require that the evaluation process set forth in subsection (1) of this
18 section be conducted in any given school year. No evaluation other
19 than the evaluation authorized under subsection (1) of this section may
20 be used as a basis for determining that an employee's work is
21 unsatisfactory under subsection (1) of this section or as probable
22 cause for the nonrenewal of an employee's contract under RCW
23 28A.405.210 unless an evaluation process developed under chapter 41.59
24 RCW determines otherwise."

25 Correct the title.

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